

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

PEARLY RHYMER,

Plaintiff,

2003-CV-0081

v.

KMART CORPORATION,

Defendant.

TO: Lee J. Rohn, Esq.
Yvette D. Ross-Edwards, Esq.

ORDER DENYING PLAINTIFF'S MOTION FOR ADDITIONAL SANCTIONS

THIS MATTER came before the Court upon Plaintiff's Motion For Additional Sanctions Against Defendant Kmart Corporation (Docket No. 77). Defendant filed a response to said motion. The time for filing a reply has expired.

Plaintiff alleges that while Defendant provided answers to demands for production of documents, Defendant's responses to interrogatories remain outstanding. Plaintiff further alleges that Defendant failed to comply with the Court's Order Granting Plaintiff's Renewed Motion For Sanctions (Docket No. 71) that ordered Defendant to pay to Plaintiff costs and attorney's fees in the amount of \$800.00 and file notice of such payment with the Court.

Rhymer v. Kmart

2003-CV-0081

Order Denying Plaintiff's Motion For Additional Sanctions

Page 2

Having reviewed said motion and Defendant's response and upon due consideration thereof, the Court finds that Defendant now has provided responses to all known written discovery requests. However, the record is void of any notice filed by Defendant evidencing payment of the \$800.00 to Plaintiff, as ordered by the Court.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiff's Motion For Additional Sanctions Against Defendant Kmart Corporation (Docket No. 77) is **DENIED**.
2. Defendant shall pay to Plaintiff, **on or before Friday, April 10, 2009**, the sum of **\$800.00**, for costs and attorney's fees associated with the filing of the Renewed Motion For Sanctions, and file notice of such payment with the Court. In the event that Defendant already has paid the fine, it shall file notice thereof with the Court immediately.

ENTER:

Dated: April 6, 2009

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE